

### **REMARKS**

Applicant has carefully reviewed and considered the Office Action mailed on February 26, 2003, and the references cited therewith.

Claims 1, 12, and 23 are amended, and no claims are cancelled or added. As a result, claims 1-33 are now pending in this application.

#### **§102 Rejection of the Claims**

Claims 1, 2, 4, 12-15, and 23-26 were rejected under 35 USC § 102(e) as being anticipated by Bruck et al. (U.S. Patent No. 6,088,330).

Bruck describes a computing node array having two network switches (110 and 112). Each of the nodes is connected to both of the switches, which are the only elements taught to perform any switching or the routing of data between nodes or to perform other such network functions.

In the present invention, the fault-tolerant nodes themselves determine the state of links to other network nodes, and perform link selection for routing data to other nodes. The claims have been amended where necessary to further clarify this distinction between the pending claims and the cited art.

#### **§103 Rejection of the Claims**

Claims 3, 14, and 25 were rejected under 35 USC § 103(a) as being unpatentable over Bruck et al.

Applicant believes these claims are in condition for allowance in light of the discussion presented above, but should this rejection be maintained objects to the single reference §103 rejection and requests that references showing each element of the claims rejected here be cited pursuant to MPEP §2144.03.

Claims 5-10, 16-21, and 27-32 were rejected under 35 USC § 103(a) as being unpatentable over Bruck et al., as applied to claims 1, 11, and 23 above, and further in view of Okanoue et al. (U.S. Patent No. 5,925,137).

These claims are again believed to be in condition for allowance for the same reasons as the independent claims from which they depend, but are further believed to be allowable as described herein.

Okanoue discusses a ring network of devices having network connections lacking a routing protocol, and wherein nodes poll their ring neighbors for link status and maintain the results in a table. A message is then redirected around the ring if it reaches a fault in the ring network.

In contrast, the present invention teaches fault-tolerant nodes, each of which maintains a status table indicating its communication capability with other nodes in the network, and in which at least one of the intermediate nodes has at least a first link, a second link, and a link to an originating node, as is described in the amended claims.

Because the claims as amended are different in structure and function than are the systems in the cited references, the claims are believed to be in condition for allowance. Reexamination and allowance of the pending claims is therefore respectfully requested.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 349-9581 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743

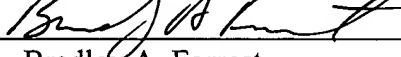
Respectfully submitted,

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Date 5-27-2003

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**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, P.O.Box 1450, Alexandria, VA 22313-1450, on this 27 day of May, 2003.

Gina M. Uphus

Name



Signature